

REMARKS

Upon entry of this paper, claims 1 and 2 have been amended, no claims have been canceled, no claims have been added as new claims, and claims 3-12 have been previously withdrawn pending allowance of a generic claim. Thus, claims 1-2 are presently pending in this application. No new matter has been added.

Applicant has amended claims 1 and 2. Specifically, Applicant has amended claims 1 and 2 to change “central component” to “central support dome”. Support for this amendment can be found on page 4, lines 7 and 8. The amendment is intended to clarify that the central component is designated as a support dome since it prevents the filter material from collapsing under the pressure and temperature conditions occurring during operation. As a result, the filter insert is of an inexpensive design that does not require any rigid internal support device for the filter medium.

Applicant has also amended claim 1, to further clarify that the central support dome is essentially tubular in shape, and extends into an interior of the filter housing to form a duct through which filtered fluid can flow. Support for this amendment can be found on page 4, lines 4-7, in combination with the figures as filed. The phrase “essentially tubular” indicates that the central support dome is tubular in form, but includes recesses that allow filtered fluid to flow downward within the filter insert to lubricating points of the engine in which the filter is installed.

Claim Rejections Under 35 USC § 103*Claims 1 and 2*

Claims 1 and 2 are rejected under 35 USC 103(a) as being unpatentable over Smart, U.S. Patent No. 4,617,118 in view of Briet, U.S. Patent No. 4,887,849. Applicant respectfully traverses this rejection. However, in an effort to move prosecution forward, Applicant has provided additional clarifying amendments to claims 1 and 2. Applicant believes claims 1 and 2 to be allowable over the cited references in view of the following remarks.

In the most recent Office Action, the lower mounting cap 50 in combination with the downwardly extending annular skirt 51 of Smart are indicated as being equivalent to the central support dome (formerly central component) of the claimed invention (*see* OA page 2). However, the lower mounting cap 50 and annular skirt 51 do not form “an essentially tubular central support dome which extends into an interior of the filter housing and forms a duct through which filtered fluid can flow . . .” *See* amended claim 1.

The Office Action further states that Briet discloses a retaining claw 11 on a component 7 for engaging a projection 12 on a housing 4 and suggests that such an arrangement provides a fast-action connection for use in the automobile industry. However, like Smart, Briet does not teach or suggest “an essentially tubular central support dome which extends into an interior of the filter housing and forms a duct through which filtered fluid can flow . . .” *See* amended claim 1. More specifically, Briet is directed toward a completely different device, not a filter.

As such, the combination of Smart and Briet fails to teach or suggest at least one of the elements of amended claim 1, namely, “an essentially tubular central support dome which extends into an interior of the filter housing and forms a duct through which filtered fluid can flow . . .” *See* amended claim 1.

In addition, the combination of Smart and Briet fails to teach additional elements of the claimed invention. For example, the combination of Smart and Briet fails to teach or suggest a fluid filter housing, “wherein the radially inner surface of the retaining component and the radially outer surface of the central support dome having matching contours that *inhibit rotation* of said central support dome in the operating position (emphasis added) . . .” *See* amended claim 1. Briet provides no indication that the resilient fingers 11, once in operating position (i.e., fully combined) inhibit rotation. Rather, in FIG. 8 of Briet, it shows that there are no projections that would interfere with the rotation of the resilient fingers 11. The structure of Smart is so completely different from Briet that there is not an equivalent feature to the resilient fingers of Briet. Thus, the combination with Smart fails to address the lack of such a teaching. Accordingly, the combination of Smart and Briet fails to teach or suggest a radially inner surface

of the retaining component and radially outer surface of the central support dome having matching contours that *inhibit rotation*, in addition to other features noted previously.

Applicant respectfully submits that unless a *prima facie* case of unpatentability with respect to known facts is established, applicant is not obliged to proffer any evidence of nonobviousness. To establish a *prima facie* case there must be some suggestion or motivation, either in the prior art or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine multiple reference teachings. There must then be a reasonable expectation of success. Finally, the prior art reference or references (when combined) must teach or suggest all the claimed limitations.

Independent claim 1, and therefore all claims depending therefrom are allowable because they have been amended to better point out and distinctly claim the features of the present invention. Support for the amended language can be found in the claims as originally presented, as well as portions of the specification as noted above, such that the addition of new matter has been scrupulously avoided.

In light of the above comments, applicant respectfully submits that the claims of the present invention are in condition for allowance over, the cited references. Action to that end is kindly requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080 under Order No. HHI-031USRCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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